

REMARKS

The only claims presently under consideration in this application include claims 3 and 4. The Examiner will note claim 3 has been amended to provide a more accurate recitation of the claimed invention. For the reasons to be hereinafter indicated, it is respectfully urged that claims 3 and 4 should now be deemed allowable.

The Examiner rejected claims 3 and 4 under 35 USC 103(a) as being unpatentable over the Bundy U.S. patent 5,904,458 in view of the Benedict U.S. patent 6,312,202 and newly cited Bohlman et al U.S. patent 3,384,333. This rejection is respectfully traversed.

As correctly noted by the Examiner, Bundy is deficient in two elements of the claimed invention, including long groove holes for providing adjustment according to the length of at least one of the straight tubular sections and the sleeve, and also straight pipe sections having a length that is larger than that of the sleeve. While Benedict does disclose the use of long groove holes for adjustment, it fails to teach a sleeve disposed between a pair of anchors since Benedict clearly intends the sleeve holes to provide the only required adjustment. Bohlman et al merely discloses securing the opposite ends of a straight pipe section with tubular elbow joints. There is no suggestion by Bohlman et al that a sleeve may be disposed between a pair of anchors wherein a straight pipe section of each anchor has a length larger than that of the sleeve. Thus, Bohlman et al cannot fulfill the deficiencies inherent in the Bundy and Benedict patents for duplicating the invention claimed by Applicant. For these reasons, the rejection of claims 3 and 4 based on this combination of prior art should be withdrawn.

The Examiner also rejected claims 3 and 4 under 35 USC 103(a) as being unpatentable over Bundy in view of Benedict and the newly cited Duer U.S. patent 4,070,119. This rejection is also respectfully traversed. The Bundy and Benedict combination is not pertinent to the claimed invention for the reasons previously stated. The Duer patent discloses a fastener for joining the ends of tubes. However, there would be no motivation for one of ordinary skill in the art to utilize the Duer fastener in the Bundy device as modified as Bohlman et al because neither of these latter two references contemplates forming its central tubular section from two parts secured together by sleeves of different lengths for adjustment. The length of the Bundy device is determined by the length of its central tubular section so there would be no cause to provide this known device with any adjustment. The Benedict device only provides adjustment through its long groove holes so there would be no reason to incorporate a second adjustment provision absent hindsight analysis of the present invention. For these reasons, it is respectfully urged that this rejection should also be withdrawn.

The combination of long groove holes and selectable sleeves of different lengths being engageable with longer length straight tubular sections provides a unique combination of double adjustability which cannot be duplicated by known devices of this type. Moreover, since each sleeve is shorter than the pipe sections of the anchors, several sleeves of different sizes may be conveniently and compactly packaged with each rack rod for precise adjustment and installation according to the specific vehicle of the user.

In view of the foregoing, it is believed that this application should now be in condition for formal allowance with amended claims 3 and 4, and early notice to this effect is respectfully requested.

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If the Examiner should have any questions concerning this matter, the undersigned may be reached at his Alexandria, Virginia office at 703-683-0500.

Respectfully submitted,
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